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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-PAL-GMN

8 Plaintiff,

ORDER

9 v.

(Mot. Compel – ECF No. 2209)

10 JASON D. WOODS,

11 Defendant.

12 Before the court is Defendant Jason Woods’ (“Woods”) Motion to Compel Disclosure of
13 Government Agent and to Provide Impeachable Evidence (ECF No. 2209) which was referred to
14 the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3. The court has considered
15 the motion, the Government’s Response (ECF No. 2250), and Woods’ Reply (ECF No. 2274).

16 Woods seeks to compel the government to identify the agent or officer who claimed he
17 observed an assault rifle being pointed at BLM agents on April 12, 2014 from Woods’ general
18 position that the government relied upon in making its proffer supporting its motion to detain
19 Woods. His reply clarifies that he is asking the court to order the government to produce grand
20 jury transcripts for in camera review so that the court can “ascertain the legitimacy of the specific
21 claim that Mr. Woods pointed a firearm at an agent” which was used to indict and detain him. He
22 reasons that presenting perjured testimony to a grand jury is grounds for dismissal, and possible
23 inaccurate representations to the grand jury “are relevant as to the credibility of the speaker making
24 those representations.” He denies that he is seeking premature disclosure of Jencks materials.
25 Rather, he asks that the court conduct an in camera review of the grand jury transcripts that form
26 the basis for the charges against him and his detention.


27 The grand jury returned a true bill against Woods and his co-defendants finding probable
28 cause to believe the defendants are probably guilty of the offenses with which they are charged.

1 The historic purpose of the Fifth Amendment right to presentment of charges to a grand jury “has
2 been regarded as a primary security to the innocent against hasty, malicious and oppressive
3 persecution; it serves the invaluable function in our society of standing between the accuser and
4 the accused...” *United States v Caruto*, 663 F. 3d 394, 398 (9th Cir. 2011) (citations and internal
5 quotations omitted). Woods vehemently denies the charges, and disputes that the government has
6 proof that an assault weapon was pointed at BLM agents on April 12, 2014 from his general
7 location. For reasons explained in multiple prior orders and reports and recommendations, the
8 superseding indictment is sufficient on its face under the applicable Ninth Circuit test. It is for the
9 jury to determine whether the government can prove the charges against Woods beyond a
10 reasonable doubt. Woods’ denial of the charges, and conjecture the government may have
11 presented inaccurate or perjured testimony to the grand jury and/or has no witness to substantiate
12 claims made during detention proceedings, is not a legal basis for the court to conduct an in camera
13 review and second guess the adequacy of the evidence presented to the grand jury.

14 For these reasons,

15 **IT IS ORDERED** that Jason Woods’ Motion to Compel Disclosure of Government Agent
16 and to Provide Impeachable Evidence (ECF No. 2209) is **DENIED**.

17 DATED this 25th day of September, 2017.

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20 PEGGY A. LEEN
21 UNITED STATES MAGISTRATE JUDGE
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